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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TITLE: BAGEL SCOOPER

SECTION 132 DECLARATION

I, Meghan Joy Musgnug, hereby declare:

I am one of the above named applicants and the co-inventor of the subject matter of the above identified patent application.

My background is as follows:

I am an undergraduate student majoring in art at the University of Rhode Island, in Kingston, Rhode Island. I co-designed the bagel scooper with co-inventor Elizabeth Chelsea Teich, who is an undergraduate student majoring in advertising design at Syracuse University, Syracuse, NY.

For the past four years, both during high school as well as during winter and summer vacations from college, I worked in bagel stores providing customer service, which included cutting, preparing and finishing bagel sandwiches for the customers.

Many customers, to reduce and cut back on calorie intake, requested that I remove the interior dough from the insides of the two cut bagel halves.

This presented a problem because no tools existed and I also burned my gloved fingers why trying to scoop out hot bagel dough by hand.

I found that all of the existing kitchen implements were inadequate to scoop out the bagel dough. For example, knives were too sharp and too long, so that they cut through the bagel dough.

In addition, forks and spoons were generally axially aligned, where the spoon scoop or the fork head was in a alignment with the axis of the handle. Neither had a deep scoop angle to permit me to scoop out the bagel dough without puncturing the crust wall of the bagels.

Additionally, as they were generally axially aligned, they could mostly just skim the surface of the dough to be removed, thus requiring multiple small removing of small portions of the dough in a very inefficient manner, with the likelihood that I would puncture the crust wall of the bagel.

More importantly, because the spoon or fork both had inflection bending points between the handle and the outer scoop or fork portion, the spoon or fork was subject to constant bending if any significant force was applied to the spoon or fork. If the spoon or fork was metal, it would be deformed by the application of bending force at the respective inflection point. For plastic spoons or forked, the bending could be subject to causing the plastic spoon or

fork to break apart from its handle, thus increasing the risk of plastic splinters contaminating the food.

As a result, Elizabeth Chelsea Teich and I designed the bagel scoop subject matter of the present invention, with a constant concavity having no inflection points, and where the scoop portion was bent at substantially a perpendicular angle to the handle, to maximize the efficient removal of bagel dough without damaging the bagel crust, or injury to the operator, such as myself.

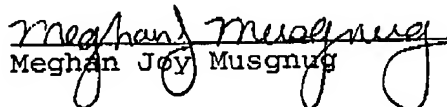
The right angle structure of the manually held bagel scooper, plus the curvature of its handle, without inflection points, provided the proper tangential force necessary to properly remove the dough from the bagel.

I also examined the drawings of the cited Green patent, and noted that the Green spoon is too shallow to scoop out the bagel dough from a bagel. It would only scrape the surface of the bagel dough. Green also discloses a serrated spoon, as in Figure 3b, where there is an inflection point where the curvature of the spoon portion changes from a concave curve facing downward to a convex curve, facing downward. Therefore Green would have the same problems with an inflection, as was present in using conventional spoons and forks, as I used, as noted above.

Also, the width of our bagel scooper spoon section is uniquely designed to fit into the width of a bagel without ripping the sides of the bagel crust.

The prototype which I used has been the subject of the Claims of this patent application from at least as early as July, 2002. I tested the bagel scooper with bagels under experimental conditions at home since the time when the prototype was made in 2002 until the present. Photographs of my use of the bagel scooper are attached to the provisional patent application filed under serial number 60/404,842 of August 21, 2002, upon which the present regular examinable patent is based.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Meghan Joy Musgnug

Dated: January 12, 2004

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